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05 UNITED STATES DISTRICT COURT  
06 WESTERN DISTRICT OF WASHINGTON  
07 AT SEATTLE

08 PAUL C. CULLOM, JR., et al., )  
09 Plaintiffs, ) Case No. C07-61-JCC-JPD  
10 v. )  
11 WILLIAM H. GATES, III, et al., ) REPORT AND RECOMMENDATION  
12 Defendants. )  
\_\_\_\_\_ )

13 Plaintiffs, appearing *pro se*, recently filed an application to proceed *in forma pauperis*  
14 (IFP) and a proposed 42 U.S.C. § 1983 complaint in the United States District Court for the  
15 Eastern District of Virginia. *See Cullom v. Gates*, Case No. 06-cv-1326 (E.D. Va. 2006);  
16 Dkt. No. 4. Finding venue more appropriate in this district, the United States District Judge  
17 Gerald Bruce Lee transferred the above-entitled case to this Court on January 3, 2007. Dkt.  
18 No. 4-4. The plaintiffs' § 1983 complaint, their IFP application, and the complete record in  
19 this case are now before the Court.

20 Plaintiffs Paul C. Cullom, Jr., Roneisha E. Reynolds, Sherri L. White, Ivy Taylor, and  
21 Gloria White included with their IFP application a one-and-a-half page "More Complaint Pro  
22 Se (Emergency)," naming no less than seven defendants including, but not limited to, Bill  
23 Gates, the City of Kent, the Sheriff of King County, the "Manager of the St. Theodore  
24 Apartments," a security manager at the SeaTac Airport Dollar Rent-A-Car, and the U.S.  
25 Commission on Civil Rights. Dkt. No. 4-1. While the complaint is drafted on a standard  
26 federal employment discrimination form requesting a promotion, back wages, and damages for

01 pain and suffering associated with such discrimination, plaintiffs' pleadings do not appear to  
02 allege violations which might be actionable under Title VII or any other federal employment  
03 law. Rather, Plaintiffs' complaint asserts, without more, the following facts: that on August  
04 11, 2006, "Bill Gates called [Mr. Cullom]" and "described Melinda [Gates] as being 'poor,'"   
05 which Mr. Cullom alleges, "[i]n the full context . . . was fraud on me." Dkt. No. 4-2. This  
06 conduct, according to the plaintiffs, amounts to a "gross violation" of Mr. Cullom's and his  
07 wife's civil rights on February 27, 2006 and November 12, 2006, respectively. The complaint  
08 also informs the Court that Mr. Cullom's wife was "charged with 'obstruction of justice'" at  
09 some unspecified time and place, and also mentions a "welcome to the Nixon White House on  
10 12 Nov. 2006." *Id.* Damages are measured at "\$1,000 per day since 27 Feb. 2006."

11 Pursuant to 28 U.S.C. § 1915(e)(2)(B), this Court may deny an application to proceed  
12 IFP and should dismiss a complaint if it is frivolous or fails to state a claim upon which relief  
13 can be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(i)-(ii); *O'Loughlin v. Doe*, 920 F.2d 614, 616  
14 (9th Cir. 1990). An action is frivolous if "it lacks an arguable basis either in law or in fact."  
15 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

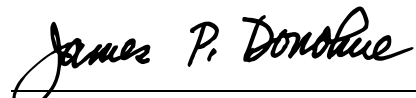
16 Here, plaintiffs fail to allege sufficient facts to place the defendants on notice of the  
17 nature of their claims or otherwise provide any basis for jurisdiction in this Court. *See* Fed. R.  
18 Civ. P. 8(a). The complaint also appears to name as a defendant a municipality without  
19 pleading the existence of an unconstitutional policy or custom causing the injury complained  
20 of. *See Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 691 (1978). Because this action appears  
21 frivolous and fails to state a claim upon which relief can be granted, it is subject to dismissal  
22 under 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil Procedure 12(b)(6).

23 The Court advises plaintiffs of their responsibility to research the facts and law before  
24 filing a complaint in order to determine whether their claim for relief is frivolous. If plaintiffs  
25 file a frivolous action, they may be sanctioned. *See* Fed. R. Civ. P. 11. The Court would likely  
26 impose a sanction of dismissal on any frivolous complaint. If plaintiffs file numerous frivolous

01 or malicious complaints, the Court may bar them from proceeding IFP in this court. *See*  
02 *DeLong v. Hennessey*, 912 F.2d 1144, 1146-48 (9th Cir. 1990) (discussing bar order  
03 requirements).<sup>1</sup>

04 Because of the extreme deficiencies in plaintiffs' IFP application and proposed § 1983  
05 complaint, their request to proceed IFP should be DENIED and this action DISMISSED  
06 without prejudice. 28 U.S.C. § 1915(e)(2)(B). A proposed Order of Dismissal accompanies  
07 this Report and Recommendation. If plaintiffs believe that the deficiencies outlined herein can  
08 be cured by an amendment to their complaint, they should lodge an amended complaint as a  
09 part of their objections, if any, to this Report and Recommendation.

10 DATED this 1st day of February, 2007.

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13 JAMES P. DONOHUE  
14 United States Magistrate Judge  
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22 <sup>1</sup> The Court notes that plaintiff Cullom is a prolific litigator who has filed four similar  
23 lawsuits in the past six months against various private citizens, governmental officers and attorneys  
24 in this district. *See, e.g., Cullom v. Doe*, C06-957-JCC; *Cullom v. Gates*, C06-1564-RSM; *Cullom*  
25 *v. Gates*, C06-1573-MJP; *Cullom v. City of Kent*, C06-1655-JLR. Indeed, a strikingly similar  
26 action previously filed by plaintiff in this district was dismissed on grounds similar to those  
recommended by the Court today. *See Cullom*, C06-957-JCC, Dkt. No. 15 (dismissing case for  
failure to comply with court's order to show cause and failure to meet the requirements of Rule  
8).